

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RICHARD D. KYLES #257935

§
§
§
§

V.

CIVIL ACTION NO. G-03-53

GERALD GARRETT, ET AL.

O R D E R

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on July 13, 2007, to which no objections have been filed.

Upon appropriate review pursuant to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1)(C), the Court is satisfied that there is no clear error on the face of the record in these proceedings. Accordingly, the Report and Recommendation is **ACCEPTED** in its entirety and incorporated herein by reference.

It is hereby **ORDERED** that Defendants' Motion to Dismiss is **DENIED** in its entirety.

This matter **SHALL** be **RETURNED** to the Magistrate Judge for further proceedings.

DONE at Galveston, Texas, this 9th day of August, 2007.



Samuel B. Kent
United States District Judge